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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,456	09/29/2003	Herbert Morgenstern	243231US0CONT	6650
22850	7590	02/25/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			NAKARANI, DHIRAJLAL S	
			ART UNIT	PAPER NUMBER
			1773	

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/671,456

Applicant(s)

MORGENSTERN ET AL. *eb*

Examiner

D. S. Nakarani

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/830,090.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09/29/2003.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kishida et al (U.S. Patent 4, 478,903) in view of Kitazaki et al (U.S. Patent 5, 820,979) and Park et al (U.S. Patent 4,911,976).

Kishida et al disclose a composite plastic sheet made of polystyrene base sheet laminated with a conductive covering layer by co-extrusion. The polystyrene base sheet and the conductive covering layer are prepared using high impact strength polystyrene (Example 1). Kishida et al also disclose polystyrene base resin such as homopolymer of styrene, high impact polystyrene, styrene-butadiene block copolymer etc (col. 3, lines 10-32). Kishida et al also suggest addition of additives such as liquid paraffin, mineral oils or lubricants in the covering layer (col. 4, lines 18-21). Kishida et al's process of making composite is similar to the method disclosed in the instant invention (col. 4, lines 44-60). Kishida et al disclose a thickness of composite from 0.1 to 3.0 mm and the thickness of the covering layer between 2 and 70% of the total thickness of the composite (col. 4, line 67 to col. 5 line 20). In Example 1, the composite sheet having 0.5 mm total thickness, i.e. 0.4 mm thick base sheet and 0.1 mm thick cover layer. Therefore when composite sheet having thickness of higher than 1.5 mm to 3.00 mm

would result in article having cover layer thickness which will fall in the claimed range (i.e. as disclosed in Example: 80% thickness of base sheet and 20% thickness of cover layer. Thus 1.5 mm thick composite will have 1.2 mm base sheet and 0.3 mm (i.e. 300 microns) cover layer. Kishida et al fail to teach claimed amount of lubricant and adding additives using concentrate of additive in the resin.

Kitazaki et al teach use of lubricant in an amount from 0.1 to 0.5 parts by weight per 100 parts by weight of resin (col. 3 lines 13-27). Kitazaki et al' polymer is a styrene based polymer such as hydrogenated styrene butadiene block copolymer.

Park et al disclose use of additive in the form of master batch in the polypropylene resin to use as an additive in the polypropylene resin (col. 3 lines 23-27).

Therefore it would have been obvious to a person of ordinary skill in the art at the time of this invention made to utilize discloser of Kitazaki et al and Park et al in the invention of Kishida et al to prepare master batch of lubricant using the resin which is used for making the layer and use concentrate to result in an amount disclosed by Kitazaki et al in the final cover layer.

3. Applicant's arguments filed September 29, 2003 have been fully considered but they are not persuasive. In reference to rejection of claimed under 35USC 103 (a) as being unpatentable over Kishida et al (U.S. Patent 4, 478,903) in view of Kitazaki et al (U.S. Patent 5,820,979) and Park et al (U.S. Patent 4,911,976), applicants mainly argue that the claim 1 as amended exclude conductive carbon black from the composition of the outer layer while Kishida et al's outer layer contains conductive carbon black.

Applicants further argue that Kitazaki et al do not disclose claimed thermoplastic polymers and park et al reference is directed to a multilayer film made of polyolefin.

These argument are unpersuasive because the amended claim 1 reads on kishida et al's surface layer containing conductive carbon black because the conductive carbon black is also a pigment and/or filler. Thus amended claim 1 does not exclude carbon black. Kitazaki et al reference is used to show amount of lubricant used in the styrene based polymers and Park et al reference is used for teaching addition of small of additives to polymers using master batch of additive (s).

4. Receipt of Information Disclosure Statement filed with the application is acknowledge and has been made of record.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Nakarani whose telephone number is (571) 272-1512. The examiner can normally be reached on Tuesday-Friday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J. Thibodeau, can be reached on (571) 272-1516. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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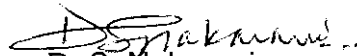
published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).



D. S. Nakarani
Primary Examiner
Art Unit 1773

D. S. Nakarani/af
February 12, 2004